

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DESIREE A. MATTISON,

Plaintiff,

V.

JO ANNE B. BARNHART, Commissioner of  
Social Security,

Defendant.

CASE NO. C06-5281RBL-KLS

## ORDER

The Court, having reviewed defendant's motion to dismiss (Dkt. #8), plaintiff's motion to strike (Dkt. #13), the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) the Court adopts the Report and Recommendation;
- (2) the Commissioner erred as described in the report;
- (3) plaintiff's motion to strike is denied;
- (4) defendant's motion to dismiss is denied;
- (5) this matter is remanded to the Commissioner for further administrative proceedings as described in the report; and
- (6) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel

1 and Magistrate Judge Karen L. Strombom.  
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3 DATED this 1<sup>st</sup> day of December, 2006.  
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6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
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